

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOSEPH PINCKNEY,

Plaintiff,

v.

KEN BELL, *et al.*,

Defendants.

2:10-CV-01893-JCM-LRL

**ORDER**

Presently before the court is defendants Ken Bell, Brenda Williams,<sup>1</sup> Verity Langag, Laurence Belinsky, and Nicole Richards' motion to dismiss pursuant to Rule 41(b). (Doc. #5). Plaintiff Joseph Pinckney has responded (doc. #6), and defendants have replied (doc. #8).

"If [a] plaintiff fails to prosecute or to comply with [the Federal Rules of Civil Procedure] or a court order, a defendant may move to dismiss the action or any claim against it." FED. R. CIV. P. 41(b).

The court finds that Mr. Pinckney has failed to comply with the Federal Rules.

The complaint in the present matter was filed on October 28, 2010. Defendants filed their answer on January 24, 2011. Pursuant to Rule 26(f), "the parties must confer as soon as practicable — and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b)."

Local Rule 26-1(d) requires that "Counsel for plaintiff shall initiate the scheduling of the Fed. R. Civ. P. 26(f) meeting within thirty (30) days after the first defendant answers or otherwise appears." The record discloses that plaintiff has failed to schedule the required Rule 26(f) or otherwise engage in any discovery. The plaintiff is in violation of both the Federal Rules and the Local Rules.

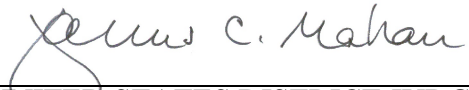
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<sup>1</sup>Brenda Williams was erroneously named Barbra Williams in the complaint.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to  
3 dismiss pursuant to Rule 41(b) (doc. # 5) be, and the same hereby is, GRANTED.  
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5 DATED: August 26, 2011.

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7 UNITED STATES DISTRICT JUDGE  
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